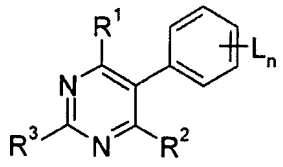
## AMENDMENTS TO THE CLAIMS

1. (Currently Amended) A pyrimidine of the formula I



I

in which the index and the substituents are as defined below:

n is an integer from 1 to 5;

L is halogen, cyano, nitro, cyanato (OCN), $C_1$-$C_8$-alkyl, $C_2$-$C_{10}$-alkenyl, $C_2$-$C_{10}$-alkynyl, $C_1$-$C_6$-alkoxy, $C_2$-$C_{10}$-alkenyloxy, $C_2$-$C_{10}$-alkynyloxy, $C_3$-$C_6$-cycloalkyl, $C_3$-$C_6$-cycloalkenyl, $C_3$-$C_6$-cycloalkoxy, $C_3$-$C_6$-cycloalkenyloxy, -C(=S)-N(A')A, -C(=O)-A, -C(=O)-O-A, -C(=O)-N(A')A, C(A')(=N-OA), N(A')A, N(A')-C(=O)-A, N(A'')-C(=O)-N(A')A, $S(=O)_m$-A, $S(=O)_m$-O-A or $S(=O)_m$-N(A')A;

m is 0, 1 or 2;

A,A', A'' independently of one another are hydrogen, $C_1$-$C_6$-alkyl, $C_2$-$C_6$-alkenyl, $C_2$-$C_6$-alkynyl, $C_3$-$C_8$-cycloalkyl, $C_3$-$C_8$-cycloalkenyl, where the organic radicals may be partially or fully halogenated or may be substituted by cyano or $C_1$-$C_4$-alkoxy, or A and A' together with the atoms to which they are attached are a five- or six-

membered saturated, partially unsaturated or aromatic heterocycle which contains one to four heteroatoms from the group consisting of O, N and S;

$R^1$ is $C_1$-$C_{10}$-alkyl, $C_2$-$C_{10}$-alkenyl, $C_2$-$C_{10}$-alkynyl, $C_3$-$C_{12}$-cycloalkyl, $C_3$-$C_{10}$-cycloalkenyl;

$R^2$ is halogen, cyano, ~~$C_1$-$C_4$-alkyl, $C_2$-$C_4$-alkenyl, $C_2$-$C_4$-alkynyl,~~ $C_1$-$C_4$-alkoxy, $C_3$-$C_4$-alkenyloxy or $C_3$-$C_4$-alkynyloxy;

$R^3$ is a five- or six-membered saturated, partially unsaturated or aromatic mono- or bicyclic heterocycle which contains one to four heteroatoms from the group consisting of O, N and S,

where the aliphatic, alicyclic or aromatic groups of the radical definitions of L, $R^1$, $R^2$ and/or $R^3$ for their part may be partially or fully halogenated or may carry one to four groups $R^a$:

$R^a$ is halogen, cyano, $C_1$-$C_8$-alkyl, $C_2$-$C_{10}$-alkenyl, $C_2$-$C_{10}$-alkynyl, $C_1$-$C_6$-alkoxy, $C_2$-$C_{10}$-alkenyloxy, $C_2$-$C_{10}$-alkynyloxy, OH, SH, two vicinal groups $R^a$ may be (=O) or (=S), $C_3$-$C_6$-cycloalkyl, $C_3$-$C_6$-cycloalkenyl, $C_3$-$C_6$-cycloalkoxy, $C_3$-$C_6$-cycloalkenyloxy, -C(=O)-A, -C(=O)-O-A, -C(=O)-N(A')A, C(A')(=N-OA),

N(A')A, N(A')-C(=O)-A, N(A'')-C(=O)-N(A')A, $S(=O)_m$-A, $S(=O)_m$-O-A or $S(=O)_m$-N(A')A, where m, A, A', A'' are as defined above and where the aliphatic, alicyclic or aromatic groups for their part may be partially or fully halogenated or may carry one to three groups $R^b$, where $R^b$ has the same meaning as $R^a$.

2. (Currently Amended) A pyrimidine as claimed in claim 1, in which the index and the substituents are as defined below:

L is halogen, cyano, $C_1$-$C_8$-alkyl, $C_2$-$C_{10}$-alkenyl, $C_2$-$C_{10}$-alkynyl, $C_1$-$C_6$-alkoxy, $C_2$-$C_{10}$-alkenyloxy, $C_2$-$C_{10}$-alkynyloxy, -C(=O)-O-A, N(A')-C(=O)-A or $S(=O)_m$-A;

m is 0, 1 or 2;

A,A', A'' independently of one another are hydrogen, $C_1$-$C_6$-alkyl, $C_2$-$C_6$-alkenyl, $C_2$-$C_6$-alkynyl, $C_3$-$C_8$-cycloalkyl, where the organic radicals may be partially or fully halogenated or A and A' together with the atoms to which they are attached are a partially unsaturated or aromatic heterocycle which contains one to four heteroatoms from the group consisting of O, N and S;

$R^1$ is $C_1$-$C_{10}$-alkyl, $C_2$-$C_{10}$-alkenyl, $C_2$-$C_{10}$-alkynyl, $C_3$-$C_{12}$-cycloalkyl, $C_3$-$C_{10}$-cycloalkenyl;

$R^2$ is ~~$C_1$-$C_4$-alkyl,~~ cyano or chlorine,

where the aliphatic, alicyclic or aromatic groups of the radical definitions of L, $R^1$ and/or $R^3$ for their part may be partially or fully halogenated or may carry one to four groups $R^a$:

$R^a$ is halogen, cyano, $C_1$-$C_8$-alkyl, $C_2$-$C_{10}$-alkenyl, $C_2$-$C_{10}$-alkynyl, $C_1$-$C_6$-alkoxy, $C_2$-$C_{10}$-alkenyloxy, $C_2$-$C_{10}$-alkynyloxy, $C_3$-$C_6$-cycloalkyl, $C_3$-$C_6$-cycloalkenyl, $C_3$-$C_6$-cycloalkoxy, $C_3$-$C_6$-cycloalkenyloxy, -C(=O)-A, -C(=O)-O-A, -C(=O)-N(A')A, C(A')(=N-OA), N(A')A, N(A')-C(=O)-A, N(A'')-C(=O)-N(A')A, $S(=O)_m$-A, $S(=O)_m$-O-A or $S(=O)_m$-N(A')A.

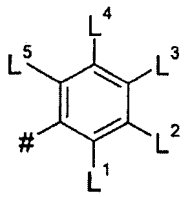
3. (Original) A pyrimidine as claimed in claim 1, in which $R^3$ is pyrrolyl, pyrazolyl, imidazolyl, 1,2,3-triazolyl, 1,2,4-triazolyl, tetrazolyl, oxazolyl, isoxazolyl, 1,3,4-oxadiazolyl, furanyl, thiophenyl, thiazolyl, isothiazolyl, pyridinyl, pyrimidinyl, pyrazinyl, pyridazinyl, 1,2,3-triazinyl, 1,2,4-triazinyl, pyrrolidinyl, piperidinyl, hexahydroazepinyl or dihydropyridinyl, where the heterocycle may be attached to the pyrimidine ring via carbon or nitrogen and may carry up to three substituents $R^a$:

$R^a$ is halogen, cyano, $C_1$-$C_8$-alkyl, $C_2$-$C_{10}$-alkenyl, $C_2$-$C_{10}$-alkynyl, $C_1$-$C_6$-alkoxy, $C_2$-$C_{10}$-alkenyloxy, $C_2$-$C_{10}$-alkynyloxy, OH, SH, two vicinal groups $R^a$ may be (=O) or (=S), $C_3$-$C_6$-cycloalkyl, $C_3$-$C_6$-cycloalkenyl, $C_3$-$C_6$-cycloalkoxy, $C_3$-$C_6$-cycloalkenyloxy, -C(=O)-A, -C(=O)-O-A, -C(=O)-N(A')A, C(A')(=N-OA), N(A')A, N(A')-C(=O)-A, N(A'')-C(=O)-N(A')A, $S(=O)_m$-A, $S(=O)_m$-O-A or $S(=O)_m$-N(A')A.

4. (Original) A pyrimidine as claimed in claim 1, in which $R^3$ is pyrazol-1-yl, [1,2,4]-triazol-1-yl, pyridin-2-yl, pyrimidin-2-yl, pyridazin-3-yl, pyrrolidin-2-on-1-yl, piperidin-2-on-1-yl, hexahydro-2H-azepin-2-on-1-yl, pyrrolidin-2-thion-1-yl, piperidin-2-thion-1-yl, hexahydro-2H-azepin-2-thion-1-yl, 1,2-dihydropyridin-2-on-1-yl.

5. (Currently Amended) A pyrimidine as claimed in claim 1, in which $R^2$ is ~~methyl,~~ chlorine ~~or ethyl~~.

6. (Previously Presented) A pyrimidine as claimed in any of claims 1 to 5, in which the phenyl group substituted by $L_n$ is the group B




B

where # is the point of attachment to the pyrimidine skeleton and

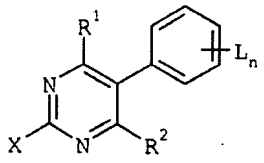
$L^1$ is fluorine, chlorine, $CH_3$ or $CF_3$;

$L^2$,$L^4$ independently of one another are hydrogen, $CH_3$ or fluorine;

$L^3$ is hydrogen, fluorine, chlorine, bromine, cyano, $CH_3$, $SCH_3$, $OCH_3$, $SO_2CH_3$, CO-$NH_2$, CO-$NHCH_3$, CO-$NHC_2H_5$, CO-$N(CH_3)_2$, NH-C(=O)$CH_3$, N($CH_3$)-C(=O)$CH_3$ or $COOCH_3$ and

$L^5$ is hydrogen, fluorine, chlorine or $CH_3$.

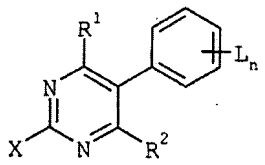
7. (Currently Amended) A process for preparing ~~pyrimidines~~ a pyrimidine of the formula I as claimed in claim 1, where $R^3$ is a nitrogen-containing heterocycle attached via nitrogen, which comprises reacting a compound of the formula III,



III

in which the substituents $L_n$, $R^1$ and $R^2$ are as defined in claim 1 and X is halogen, $C_1$-$C_6$-alkoxy, $C_1$-$C_6$-alkylthio, $C_1$-$C_6$-alkylsulfoxyl or $C_1$-$C_6$-alkylsulfenyl, with a heterocycle of the formula $R^3$-H (IV), ~~if appropriate~~ optionally in the presence of a base.

8. (Original) An intermediate of the formula III



III

in which the substituent $R^1$ is as defined in claim 1, $L_n$ is as defined in claim 2, X is as defined in claim 7 and $R^2$ is cyano, $C_1$-$C_4$-alkyl, $C_2$-$C_4$-alkenyl, $C_2$-$C_4$-alkynyl, $C_1$-$C_4$-alkoxy, $C_3$-$C_4$-alkenyloxy or $C_3$-$C_4$-alkynyloxy, where the alkyl, alkenyl and alkynyl radicals of $R^2$ may be substituted by halogen, cyano, nitro, $C_1$-$C_2$-alkoxy or $C_1$-$C_4$-alkoxycarbonyl.

9. (Original) A pesticidal composition, which comprises a solid or liquid carrier and a compound of the formula I as claimed in claim 1.

10. (Original) A method for controlling phytopathogenic harmful fungi, which comprises treating the fungi or the materials, plants, the soil or seeds to be protected against fungal attack with an effective amount of a compound of the formula I as claimed in claim 1.

11. (New) A pyrimidine as claimed in claim 1, wherein $R^2$ is halogen, cyano or $C_1$-$C_4$-alkoxy.

12. (New) A pyrimidine as claimed in claim 1, wherein $R^1$ is $C_3$-$C_8$-alkyl, $C_3$-$C_8$-alkenyl, $C_3$-$C_8$-alkynyl, $C_3$-$C_6$-cycloalkyl or $C_5$-$C_6$-cycloalkenyl.

13. (New) A pyrimidine as claimed in claim 1, wherein $R^1$ is $C_1$-$C_6$-alkyl or $C_1$-$C_6$-haloalkyl.

14. (New) A pyrimidine as claimed in claim 1, wherein $R^1$ is selected from the group consisting of 2-methyl-butyl, cyclohexyl, but-1-en-4-yl, methyl, 3-methyl-but-1-enyl, 2-hydroxy-3-methyl-butyl, and 2-methyl-propyl.

15. (New) The pyrimidine of claim 14, wherein $R^2$ is halogen, cyano or $C_1$-$C_4$-alkoxy.

16. (New) The pyrimidine of claim 15, wherein $R^3$ is selected from the group consisting of [1,2,4] triazol-1-yl, pyrazol-1-yl, 1,2,3-triazol-1-yl, 3-cyano-1,2,4-triazol-1-yl, 7-amino-indazol-1-yl, and 3-amino-pyrazol-1-yl.